

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 23-31 are presently pending in this application. Claims 23-25, 27, and 28 are amended and Claims 29-31 are added by the present amendment. Support for amended and added Claims can be found in the claims as originally filed, thus no new matter has been added.

In the outstanding Office Action, Claims 23-28 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over at least Claim 19 of U.S. Pat. No. 6,650,766, herein ‘766.

In response to the provisional rejection of Claims 23-28 under the judicially created doctrine of obviousness-type double patenting as unpatentable over at least Claim 19 of ‘766, Applicants have amended the claims to place independent Claim 23 and claims depending therefrom in a patentably distinct form over Claim 19 of ‘766.

Specifically, Claim 23 has been amended to remove “human-readable information associated with said two-dimensional code directly visible thereon.” Claim 19 of ‘766 describes “detecting a reference cell having human-readable information associated with said two-dimensional code directly visible thereon.”¹ Thus, Claim 23 no longer recites the same elements described in Claim 19 of ‘766 used to recognize the two-dimensional code. Accordingly, it is respectfully requested the double-patenting rejection be withdrawn.

Further, Claims 30 and 31 have been added to recite the elements of Claim 23 as apparatus and method claims and thus similarly patentably distinguish over the elements recited in ‘766.

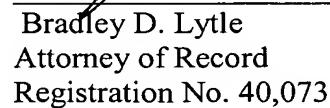
¹ Claim 19, Col. 19, lines 62-67.

Application No. 10/625,083
Reply to Office Action of September 19, 2005

Consequently, in light of the above discussion, and in view of the present amendment, Applicants respectfully submit that the present application is in condition for allowance, and an early action favorable to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\JL\275937US\275937US_AM.DOC